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REMARKS

In accordance with the foregoing, claims 1, 3, 12, 13 and 15 have been amended and new claim 17 has been added. Claims 1 and 3-17 are pending and under consideration.

ENTRY OF RESPONSE UNDER 37 C.F.R. §1.116:

Applicant(s) request(s) entry of this Rule 116 Response and Request for Reconsideration because:

(c) the amendment(s) were not earlier presented because the Applicant(s) believed in good faith that the cited prior art did not disclose the present invention as previously claimed; and/or

(f) the reference(s) applied to the claims are newly cited in the final Office Action, and Applicant(s) should be provided the opportunity to present patentability arguments and amendments in view thereof.

The Manual of Patent Examining Procedures sets forth in §714.12 that "[a]ny amendment that would place the case either in condition for allowance or in better form for appeal may be entered." (Underlining added for emphasis) Moreover, §714.13 sets forth that "[t]he Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

In items 5-8, on pages 2 and 3 of the Office Action, the Examiner raises various objections to the claims. It is believed to be self-explanatory regarding how these objections are addressed.

In items 9 and 10, on pages 3-5 of the Office Action, the Examiner rejects claims 1, 3, 10 and 11 under 35 USC § 103(a) as being obvious over U.S. Patent No. 5,189,700 to Blandford in view of U.S. Patent No. 5,444,780 to Hartman. The remaining claims are separately rejected as being obvious over Blandford and Hartman, Jr., in view of various other references.

The Examiner asserts that Blandford discloses a signature creating apparatus which creates a digital signature. The Examiner asserts that Blandford discloses a clock, a connection unit and a signature creating unit, wherein personal identification information is stored within the signature creating apparatus using a form capable of preventing interpolation. The Examiner admits that Blandford fails to disclose clock resetting steps. Hartman, Jr. is cited for a time keeper authority system in which a trusted time authority initiates the time keeping facilities of its clients.

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The Examiner cites column 7, lines 16-22 and lines 39-69 of Blandford as corresponding to the claimed connection unit which creates connection data. However, this portion of the Blandford discloses a system for providing authentication of a digital document of the user ID, text (or other digital data), user sequence number, time, notary ID and sequence numbers, resulting in an encrypted authentication number. Column 7, lines 59-61 of Blandford describes that the only function of the authentication device is to supply authenticated time. Further, column 7, lines 24-27 of Blandford disclose that the user presents a message comprising the user's public key digital signature, the user's document sequence number and the text itself.

Blandford fails to disclose an ID storing unit which stores an apparatus ID for specifying the creating apparatus using a form capable of preventing interpolation, and a personal identification storing unit which stores personal information for specifying a person who has a proper right to update stored contents, the personal identification information being stored within the signature creating apparatus using a form capable of preventing interpolation, the connection data being encrypted to create the digital signature, and the digital signature being connected to the time information, the apparatus ID and the personal identification information to create signed data to be transmitted to a network. See claim 1. Independent claims 12, 13 and 15 are similar.

Blandford also does not suggest a digital signature creating apparatus comprising a clock which creates time information, an ID storing unit which stores an apparatus ID for specifying the creating apparatus, a personal identification storing unit which stores personal identification information for specifying a person who has a proper right to update stored contents, the apparatus ID and the personal identification information being stored in a form capable of preventing interpolation, a connecting unit which creates connection data by connecting plain-text, the time information, the apparatus ID, and the personal identification information that identifies a person using the creating apparatus to create a digital signature, a signature creating unit which creates the digital signature using the connection data created by said connecting unit and a key used only for creating a signature, and a signal creation unit which connects the digital signature to the time information, the apparatus ID, and the personal identification information to create signal data to be transmitted, as recited in new independent claim 17.

Neither Hartman nor the other references cited by the Examiner compensate for these deficiencies. It is therefore submitted that the obviousness rejection should be withdrawn.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is

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requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted via facsimile to: Commissioner for Patents.

P.O. Box 1450, Alexandria, VA 22313-1450

on Aug 25, 2004

By: Mark J. Henry

Date: 8.25.04